

ASSEMBLY, No. 2759

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblymen Caputo and Eustace

SYNOPSIS

Prohibits possession of ammunition capable of penetrating body armor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2018)

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-
2 3.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:39-3 is amended to read as follows:

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession
16 any firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk,
23 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
24 or similar leather band studded with metal filings or razor blades
25 imbedded in wood, ballistic knife, without any explainable lawful
26 purpose, is guilty of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any
28 person, other than a law enforcement officer or persons engaged in
29 activities pursuant to subsection f. of N.J.S.2C:39-6, who
30 knowingly has in his possession any hollow nose or dum-dum
31 bullet, or (2) any person, other than a collector of firearms or
32 ammunition as curios or relics as defined in Title 18, United States
33 Code, section 921 (a) (13) and has in his possession a valid
34 Collector of Curios and Relics License issued by the Bureau of
35 Alcohol, Tobacco and Firearms, who knowingly has in his
36 possession any body armor breaching or penetrating ammunition,
37 which means: (a) ammunition primarily designed for use in a
38 handgun, and (b) which is comprised of a bullet whose core or
39 jacket, if the jacket is thicker than .025 of an inch, is made of
40 tungsten carbide, or hard bronze, or other material which is harder
41 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
42 and (c) is therefore capable of breaching or penetrating body armor,
43 or (3) any person, other than a law enforcement officer, who
44 knowingly has in his possession handgun ammunition which has a
45 full metal jacket and an ogive with a steel penetrator tip followed by

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 an aluminum core and is therefore capable of breaching or
2 penetrating body armor is guilty of a crime of the fourth degree.
3 For purposes of this section, a collector may possess not more than
4 three examples of each distinctive variation of the ammunition
5 described above. A distinctive variation includes a different head
6 stamp, composition, design, or color.

7 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
8 or k. of this section shall apply to any member of the Armed Forces
9 of the United States or the National Guard, or except as otherwise
10 provided, to any law enforcement officer while actually on duty or
11 traveling to or from an authorized place of duty, provided that his
12 possession of the prohibited weapon or device has been duly
13 authorized under the applicable laws, regulations or military or law
14 enforcement orders. Nothing in subsection h. of this section shall
15 apply to any law enforcement officer who is exempted from the
16 provisions of that subsection by the Attorney General. Nothing in
17 this section shall apply to the possession of any weapon or device
18 by a law enforcement officer who has confiscated, seized or
19 otherwise taken possession of said weapon or device as evidence of
20 the commission of a crime or because he believed it to be possessed
21 illegally by the person from whom it was taken, provided that said
22 law enforcement officer promptly notifies his superiors of his
23 possession of such prohibited weapon or device.

24 (2) a. Nothing in subsection f. (1) shall be construed to prevent
25 a person from keeping such ammunition at his dwelling, premises
26 or other land owned or possessed by him, or from carrying such
27 ammunition from the place of purchase to said dwelling or land, nor
28 shall subsection f. (1) be construed to prevent any licensed retail or
29 wholesale firearms dealer from possessing such ammunition at its
30 licensed premises, provided that the seller of any such ammunition
31 shall maintain a record of the name, age and place of residence of
32 any purchaser who is not a licensed dealer, together with the date of
33 sale and quantity of ammunition sold.

34 b. Nothing in subsection f. (1) shall be construed to prevent a
35 designated employee or designated licensed agent for a nuclear
36 power plant under the license of the Nuclear Regulatory
37 Commission from possessing hollow nose ammunition while in the
38 actual performance of his official duties, if the federal licensee
39 certifies that the designated employee or designated licensed agent
40 is assigned to perform site protection, guard, armed response or
41 armed escort duties and is appropriately trained and qualified, as
42 prescribed by federal regulation, to perform those duties.

43 (3) Nothing in paragraph (2) or (3) of subsection f. or in
44 subsection j. shall be construed to prevent any licensed retail or
45 wholesale firearms dealer from possessing that ammunition or large
46 capacity ammunition magazine at its licensed premises for sale or
47 disposition to another licensed dealer, the Armed Forces of the
48 United States or the National Guard, or to a law enforcement

1 agency, provided that the seller maintains a record of any sale or
2 disposition to a law enforcement agency. The record shall include
3 the name of the purchasing agency, together with written
4 authorization of the chief of police or highest ranking official of the
5 agency, the name and rank of the purchasing law enforcement
6 officer, if applicable, and the date, time and amount of ammunition
7 sold or otherwise disposed. A copy of this record shall be forwarded
8 by the seller to the Superintendent of the Division of State Police
9 within 48 hours of the sale or disposition.

10 (4) Nothing in subsection a. of this section shall be construed to
11 apply to antique cannons as exempted in subsection d. of
12 N.J.S.2C:39-6.

13 (5) Nothing in subsection c. of this section shall be construed to
14 apply to any person who is specifically identified in a special deer
15 management permit issued by the Division of Fish and Wildlife to
16 utilize a firearm silencer as part of an alternative deer control
17 method implemented in accordance with a special deer management
18 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
19 while the person is in the actual performance of the permitted
20 alternative deer control method and while going to and from the
21 place where the permitted alternative deer control method is being
22 utilized. This exception shall not, however, otherwise apply to any
23 person to authorize the purchase or possession of a firearm silencer.

24 h. Stun guns. Any person who knowingly has in his possession
25 any stun gun is guilty of a crime of the fourth degree.

26 i. Nothing in subsection e. of this section shall be construed to
27 prevent any guard in the employ of a private security company, who
28 is licensed to carry a firearm, from the possession of a nightstick
29 when in the actual performance of his official duties, provided that
30 he has satisfactorily completed a training course approved by the
31 Police Training Commission in the use of a nightstick.

32 j. Any person who knowingly has in his possession a large
33 capacity ammunition magazine is guilty of a crime of the fourth
34 degree unless the person has registered an assault firearm pursuant
35 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
36 maintained and used in connection with participation in competitive
37 shooting matches sanctioned by the Director of Civilian
38 Marksmanship of the United States Department of the Army.

39 k. Handcuffs. Any person who knowingly has in his
40 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
41 under circumstances not manifestly appropriate for such lawful uses
42 as handcuffs may have, is guilty of a disorderly persons offense. A
43 law enforcement officer shall confiscate handcuffs possessed in
44 violation of the law.

45 (cf: P.L.2003, c.168, s.1)

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47 2. This act shall take effect immediately.

STATEMENT

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This bill makes it a crime of the fourth degree to possess a new generation of handgun ammunition which poses a special threat to the law enforcement community because it has the capacity to breach or penetrate body armor.

Under current federal and State law, the possession of hollow nose or dum-dum bullets is prohibited, as is the possession of bullets which are Teflon-coated or which have specially hardened metal jackets or cores.

Police officers have encountered a new and highly destructive bullet. The SS190AP ammunition for the Five-seveN Tactical handgun is uniquely designed. It is a full metal jacketed bullet, but utilizes two metal inserts. The tip of the bullet has a steel penetrator which is followed by an aluminum core. The weight relationship between the two metals causes the bullet to tumble in soft body tissue, resulting in massive and, in many instances, deadly wounds.

But it is not just the substantial body trauma these bullets can cause that makes them a special threat to the law enforcement community. When fired from the Five-seveN handgun, the SS190AP bullet can penetrate 48 layers of Kevlar, the protective material used to make many types of body armor.

This bill prohibits individuals, other than law enforcement officers or other statutorily exempted parties, such as members of the Armed Forces of the United States and licensed dealers who sell these type of ammunition to the military or law enforcement agencies, from legally possessing ammunition designed and constructed like the SS190AP bullet that can penetrate body armor. Violators would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000; imprisonment for a term of not more than 18 months; or both.